

James B. Sumpter, Pro se
21169 Westbay Circle
Noblesville, IN 46062
Telephone: (317) 877-0736
Facsimile: (317) 877-1070
jsump@ieee.org

Salaried Retiree of Debtors

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----x Chapter 11 Case No. 05-44481 (RDD)

In re:

DELPHI CORPORATION, et. al.,

Debtors. : (Jointly Administered) :
: :
: :

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**OBJECTION TO MOTION FOR FINAL DECREE AND ORDER PURSUANT TO 11
U.S.C. § 350(a) AND FED. R. BANKR. P. 3022 AND LOCAL R. BANKR. P. 3022-1
CLOSING CHAPTER 11 CASES OF 20 FILING DEBTORS
[Docket # 21607]**

1. I, James B Sumpter, have filed written papers with the Court to object to said motion [Docket 21607] no later than the date and time in the motion of October 17, 2011 at 4:00PM and per all requirements stated, I am requesting that the Court consider the following objection:

2. The Contested matter, AMENDED MOTION FOR RECOUPMENT ON BEHALF OF DELPHI SALARIED RETIREES [Docket #21534 & 21566] (**RECOUPMENT MOTION**) has **not** been resolved.

3. The **RECOUPMENT MOTION** was heard on 22-SEP-2011 and a final ruling made by Judge Drain. However, as of 11-OCT-2011, no ruling or order has been entered. Once the Ruling or Order is entered, I intend to follow *Part VIII of the Federal Rules of Bankruptcy* and *Part VIII of the Local Bankruptcy Rules* and file a Notice of Appeal followed by an Appeal to the District Court.

4. Therefore, this matter will not be resolved by 24-OCT-2011, as stated in the Debtor's Motion. Thus, the Debtor's Motion is premature.

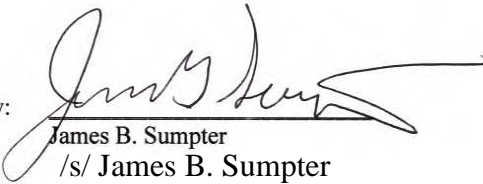
5. I would also like to inform the Court that I have no interest in causing any inconvenience, hardship or additional cost to the Debtor. My motive for this objection is to fully preserve my rights and options as I pursue the RECOUPMENT APPEAL. It should also be noted that based on email communications among The Honorable Judge Drain, the Debtor's attorneys and me, following the September 22 hearing; the Debtor was aware, or should have been aware, that the RECOUPMENT APPEAL was on the horizon. As a result, it is not clear how the Debtor could believe that the RECOUPMENT APPEAL, which flows from a contested matter, could be resolved by 24-OCT-2011.

6. WHEREFORE, I respectfully request that this Court enter an order denying the Debtor's motion; or that the Court continue the Debtors motion until after the District Court enters and enforces a final ruling regarding the **RECOUPMENT APPEAL**.

JURISDICTION

7. **WHEREAS**, the Bankruptcy Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and this matter is a core proceeding under 28 U.S.C. § 157(b).

Dated: Noblesville, Indiana
October 12, 2011

By: 
James B. Sumpter
/s/ James B. Sumpter

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